

authorized, at any time after the passage of this act, to sell and dispose of all or a part of the said piece of ground so donated by this act to any person or persons, and to execute a deed or deeds to the purchaser or purchasers for the same; and the said trustees are hereby directed and required to invest the proceeds thereof in the purchase of a lot of ground in Iowa City, and the balance, if any, to be applied to the erection of a house of public worship for the use and benefit of the said Baptist church.

SEC. 4. Lot so purchased to be forever held for religious and literary purposes. The lot of ground so purchased shall be forever thereafter used for religious and literary purposes, agreeably to the forms and customs of said Baptist church.

SEC. 5. Time of taking effect. This act to be in force from and after the passage thereof.

Approved, 14th February, 1844.

[137] CHAPTER 121.

ROAD.

AN ACT to change a part of a territorial road running from Burlington to the mouth of the Des Moines river.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Part of road running from Burlington to mouth of the Des Moines river located on section line. That all that part of a territorial road running from Burlington to the mouth of the Des Moines river, lying between James McMurry's and section twenty-three and fourteen, shall be considered and established on the section line.

SEC. 2. Time of taking effect. This act shall take effect and be in force from and after its passage.

Approved, 14th February, 1844.

CHAPTER 122.

DAVIS COUNTY.

AN ACT to organize the county of Dav's and to provide for the location of the seat of justice thereof.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. County, organization of; part of the first judicial district. That the county of Davis be and the same is hereby organized, from and after the first day of March, 1844; and the inhabitants of said county shall be entitled to all the rights and privileges to which, by law, the inhabitants of other organized counties of this territory are entitled to, and that said county shall constitute a part of the first judicial district of this territory.

[138] **SEC. 2. Clerk to designate the precincts, give notice of elections, and appoint judges.** That the clerk of the district court of said county, shall, and in case there should be no such clerk appointed and qualified, or

for any cause said office should become vacant, on or before the tenth day of March, 1844, then it shall be the duty of the clerk of the board of commissioners of Van Buren county, to proceed to establish, temporarily, six election precincts in said county, for the purpose of holding the first election in said county as hereinafter provided; and also give notice for the holding such election on the first Monday of April, 1844, by posting up, or causing to be posted up, three written or printed notices of said election in each of the election precincts so established, at least ten days previous to holding said election; also to appoint three judges of said election for each precinct in said county, and issue certificates to said judges of their appointment.

SEC. 3. Number of officers and how qualified; returns to be made to the clerk; votes how canvassed. It shall be legal for the inhabitants of said county, at such special election, to elect the following officers, who shall hold their offices until the next general election thereafter, to wit: three county commissioners, one judge of probate, one county treasurer, one clerk of the board of county commissioners, one county recorder, one county surveyor, one county assessor, one sheriff, one coroner, and one sealer of weights and measures; also, for each election precinct, two justices of the peace, and two constables; which officers when so elected, will enter into the same bonds and be qualified in the same manner as is now required by law. That the returns of said election shall be made to the person ordering the same, within ten days after holding such election, in the same manner as is now provided for by law; and at the expiration of said time, or sooner, if the returns from all the precincts are received, he shall call to his assistance two justices of the peace from either of the counties of Davis or Van Buren, and proceed to canvass the votes given at said election, and grant certificates of election to the persons entitled thereto.

SEC. 4. Election, how conducted. Said election shall in all cases not provided for by this act be conducted according to the laws of this territory regulating general elections.

SEC. 5. Officer ordering election to return books and papers to clerk. That the officer ordering said election shall return all the books and papers which may come into his possession by virtue of this act, to the clerk of the board of commissioners of said county of Davis, as soon as practicable after such clerk shall have been elected and qualified.

SEC. 6. Clerk of district court of Davis county when appointed; when to enter upon duties. That the clerk of the district court for said county of Davis may be appointed and qualified at any time after the passage of this act, but shall not enter upon the discharge of his duties prior to the first day of March, 1844.

SEC. 7. Not to interfere with suits pending. That all actions at law or equity in the district court, for the county of Van Buren, commenced prior to the first day of March, 1844, where the parties, or either of them, reside in the county of Davis, shall be prosecuted to final judgment, order or decree, in said court as fully and effectually as if that [this] act had not been passed.

SEC. 8. County assessor, his duty. That the county assessor elected under the provisions of this act, for the county of Davis, shall assess said county in the same manner and be under the same obligations and liabilities, as is now [139] or may hereafter be provided by law, in relation to township assessors.

SEC. 9. Commissioners to locate county seat; how to proceed. That Charles H. Price, of Van Buren county, Thomas Wright, of Henry county, and John Brown, of Lee county, be and they are hereby appointed commissioners to

locate and establish the seat of justice of said county of Davis. Said commissioners, or any two of them, shall meet at the house of Noble C. Barron, in said county of Davis, on the first Monday of April, 1844, or on such other day during the said month of April as they or a majority of them may agree, and proceed to locate and establish the seat of justice of said county as near the geographical centre of said county as said commissioners may deem proper, paying due regard to the present as well as future population of said county; and as soon as they have come to a determination, the same shall be committed to writing, signed by the said commissioners or a majority of them, and filed in the office of the clerk of the board of commissioners of said county of Davis, who shall record the same and forever keep it on file in his office; and the place so selected shall be the seat of justice of Davis county.

SEC. 10. **Oath of commissioners.** Said commissioners shall, previous to entering upon their duties as aforesaid, take and subscribe before some magistrate or other person authorized to administer oaths, the following oath or affirmation to-wit: "We do solemnly swear (or affirm) that we have no personal interest, directly or indirectly, in the location of the seat of justice of the county of Davis, and that we will faithfully and impartially locate the same according to the best interests of said county, taking into consideration the future as well as the present population of said county;" and the person so administering such oath shall certify and file the same in the office of the clerk of the board of county commissioners of said county of Davis, whose duty it shall be to record and keep the same on file in his office.

SEC. 11. **Davis county, boundaries of; a part of the act 17th February, 1843, repealed.** That said county of Davis shall be bounded as follows, to wit: beginning at the north-east corner of township seventy north, range twelve west; thence west on the township line dividing townships 70 and 71, to range sixteen west; thence south on said range line to the Missouri state line, thence east on said state line to the south-west corner of Van Buren county; thence north with the west line of said county of Van Buren, to the place of beginning; and that so much of the first section of an act entitled "An act to establish new counties and define their boundaries," etc., approved 17th February, 1843, as conflicts with this section, be and is hereby repealed.

SEC. 12. **Compensation to commissioners to be paid by Davis county.** That the commissioners to locate said seat of justice shall each receive the sum of two dollars per day while necessarily employed in the duties enjoined upon them by this act, to be paid by said county of Davis.

SEC. 13. **County of Appanoose attached to Davis.** That the county of Appanoose, and the territory west of said county, be and the same is hereby attached to the county of Davis, for election, revenue and judicial purposes.

SEC. 14. **Time of taking effect.** This act to be in force from and after its passage.

Approved, 15th February, 1844.

[140] CHAPTER 123.

WABESIPINICON BRIDGE COMPANY.

AN ACT to incorporate the Wabesipinicon Bridge Company.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. **Incorporation of; name, style, and general powers.** That Daniel M. Peet and Caleb C. Walworth, with their associates, successors and assigns, are hereby created a corporation, by the name of the "Wabesipini-